REMARKS

Claims 1-13 are pending and stand rejected. For the Examiner's convenience, a copy of the pending claims is attached hereto. Applicant respectfully requests reconsideration of the present application in view of the amendments set forth above and the remarks below.

Rejections Pursuant to 35 U.S.C. §102

U.S. Patent No. 6,293,284 of Rigg

The Examiner rejects claims 1-5 pursuant to 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,293,284 of Rigg. The Examiner argues that Rigg discloses a makeover method as recited in independent claim 1 of the present invention. Applicant respectfully disagrees.

Claim 1 recites a makeover method that includes the steps of configuring a computer to receive a facial image, providing user-adjustable feature templates allowing the user to specify features on the facial image, providing a catalog of beauty products enabling the user to specify particular products to apply to the specified features, and enabling a user to modify the image to form a made over facial image having the particular products applied to the specified features, thereby enabling the user to visualize an intended makeover. Rigg does not teach or even suggest such a method.

Rigg discloses a method for creating a virtual makeover wherein a digital image is used to determine a customer's natural skin color. Rigg does not teach or even suggest providing user-adjustable feature templates. To the contrary, Rigg discloses a system that relies on color, rather than particular features, to apply a makeover. "The digital scan identifies those areas of skin which are not covered by makeup, provides a color value for that area and utilizes the value as a baseline color for re-imaging a cosmetically stripped face onto a monitor." (Col. 2, lines 41-44.) Rigg also fails to teach or even suggest a method that allows a user to specify features on the facial image. Rather, the program, not the user, assigns color values, thus limiting any

control the user may have over the application of makeup. The present invention advantageously allows the user to adjust specific feature templates to outline facial features, thereby providing the user with greater control over the application of makeup. Accordingly, independent claim 1, as well as claims 2-5 which depend therefrom, distinguish over Rigg.

U.S. Patent No. 5,854,850 of Linford et al.

The Examiner further rejects claim 1, as well as independent claim 6, pursuant to 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,854,850 of Linford et al. (Linford, arguing that Linford discloses the claimed methods. Applicant respectfully disagrees.

(a) Claim 1

Linford discloses an imaging system for use in editing digital images, and more particularly for use in modifying the shape of features on a person's face in a digital image, i.e., in preparation for plastic surgery. Linford does not teach or even suggest a makeover method using a catalog of beauty products, and allowing a user to apply to products to form a made over facial image, as required by claim 1. Linford is specifically limited to *modifying* facial features, e.g., changing the shape of one's lips, and it does not teach or even suggest applying any type of beauty product from a catalog of products. Linford also fails to teach or even suggest providing user-adjustable feature templates, as is also required by claim 1. Linford is limited to providing a pen for drawing adjustable lines – not "feature templates." Accordingly, independent claim 1, as well as claims 2-5 which depend therefrom, distinguish over Linford.

(b) Claim 6

Claim 6 recites a method for outlining features in a digital image that includes the steps of receiving an image from a user, providing a plurality of movable shapes for outlining features in the image, each shape having lines connected by points which together form the shape, and enabling the user to select and move a point on the movable shape to move each line so as to form a new shape that is displayed in connection with the outlined features. Linford does not teach or even suggest such a method.

As previously stated, Linford discloses a method for *modifying* a facial image – the method does not include the step of providing a plurality of *movable shapes* for outlining features on an image. Linford is specifically limited to the use of pen for drawing lines that are movable to modify a particular facial feature. For example, the pen can be used to draw a line adjacent to a person's nose which is then relied on to change the shape of the nose. Movable *shapes* for outlining facial features are not provided. Accordingly, claim 6, as well as claims 7-13 which depend therefrom, therefore distinguish over Linford.
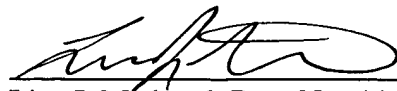
Rejections Pursuant to 35 U.S.C. §103

The Examiner rejects dependent claims 7-13 pursuant to 35 U.S.C. §103(a) as being obvious over Linford, as applied to claim 6, and further in view of Rigg, as applied to claim 1. As stated above, claim 6 distinguishes over Linford and thus represents allowable subject matter. Claims 7-13 are therefore allowable at least because they depend from an allowable base claim.

Conclusion

In view of the amendments and remarks above, Applicant submits that claims 1-13 are in condition for allowance. Applicant encourages the Examiner to telephone the undersigned in the event that such communication might expedite prosecution of this matter.

Respectfully submitted,

Date: __August 27, 2003__

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PENDING CLAIMS

1.   (Original) A makeover method, such method comprising the steps of:

configuring a computer to receive a facial image;

providing user-adjustable feature templates allowing the user to specify features on the facial image;

providing a catalog of beauty products enabling the user to specify particular products to apply to the specified features; and

enabling a user to modify the image to form a made over facial image having the particular products applied to the specified features, thereby enabling the user to visualize an intended makeover.

2.   (Original) The method of claim 1, wherein the modified facial image shows the applied products in true color.

3.   (Original) The method of claim 1, wherein the facial image is an image of the user.

4.   (Original) The method of claim 1, further comprising the step of storing the specified particular products as a palette for application to other or later images.

5.   (Original) The method of claim 1, further comprising the step of storing the specified particular products in a shopping cart, and enabling the user to purchase the items in the shopping cart.

6.   (Original) A method for outlining features in a digital photographic image, comprising:

receiving a digital photographic image from a user;

providing a plurality of movable shapes for outlining features in the digital photographic image, each movable shape comprising

a plurality of lines connected by a plurality of points which together form the shape;

enabling the user to select a point on the movable shape;

enabling the user to move each selected point to outline a specific feature in the digital photographic image and thereby moving each line connected to the point moved by the user so as to form a new shape;

displaying each new shaped formed by the user in connection with the outlined features in the photographic image;

enabling the user to save each new shape in connection with the photographic image.

7.   (Original) The method of claim 6, further comprising:

providing a product database of beauty products available for purchase, each beauty product being computer manipulable by the user such that specific beauty products can be applied to and displayed in connection with the outlined features of the photograph image;

enabling the user to access the product database to apply beauty products to the outlined features of the photographic image; and

enabling the user to select from the product database one or more beauty products available for purchase and to apply an image representative of the one or more products available for purchase in the photographic image.

8.   (Original) The method of claim 7, further comprising:

enabling the user adjust the application of the beauty product to the photographic image.

9.   (Original) The method of claim 8, wherein the step of enabling the user to adjust the application of the beauty product to the photographic image comprises:

enabling the user to select a desired width or opacity of the applied beauty product.

10.   (Original) The method of claim 7, wherein the beauty products are selected from the group consisting of wigs, glasses, contacts, eye shadow, blush, eye liner, lipstick, lip liner, foundation, eye brow color, eye lashes, hair color, and combinations thereof.

11.   (Original) The method of claim 7, further comprising:

        enabling the user to search for a specific beauty product in the product database.

12.   (Original) The method of claim 7, further comprising:

        enabling the user to save the selected beauty products as a palette.

13.   (Original) The method of claim 12, further comprising:

        enabling the user to communicate the palette to other users.

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